
A BILL FOR AN ACT

RELATING TO CAREGIVING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

FINDINGS AND PURPOSE

1
2
3 SECTION 1. The legislature finds that, due to a shortage
4 of care providers in Hawaii, family caregiving has become a
5 critical element of our health and long-term care system. By
6 2020, more than one in four individuals is expected to be sixty
7 years old or older. The need for personal care assistance due
8 to physical, sensory, cognitive, and self-care disabilities
9 increases with age. As Hawaii's population ages, many more
10 families will be providing higher levels of long-term care to
11 frail and disabled older adults at home.

12 A comprehensive public policy to strengthen support for
13 family caregivers is essential. The joint legislative committee
14 on family caregiving was established under Act 285, Session Laws
15 of Hawaii 2006, to develop a comprehensive public policy to
16 strengthen support for family caregivers in Hawaii.



1 The committee held numerous meetings during the fall of
2 2006 and submitted a special committee report to the legislature
3 outlining its proposal for the establishment of a comprehensive
4 and sustainable, community-based family caregiver support system
5 that will maximize resources in all communities. However, it is
6 still necessary to gather more information on this subject to
7 enable the State to apply resources and services in a more
8 efficacious manner. The committee should be extended to enable
9 it to continue work on its proposal for the establishment of a
10 comprehensive and sustainable, community-based family caregiver
11 support system.

12 A crucial element in the design and implementation of a
13 comprehensive and sustainable, community-based family caregiver
14 support system is an assessment of the needs of family
15 caregivers and the care recipients. A thorough needs assessment
16 is imperative to appropriately encourage, support, and
17 strengthen the provision of family caregiving.

18 Family caregivers who provide care to recipients with
19 chronic or disabling conditions are themselves at risk for
20 physical, emotional, and financial problems. The daily
21 challenges and health risks that family caregivers face can
22 impede the family caregiver's ability to provide care, lead to



1 higher health care costs, and affect the family caregiver's
2 quality of life and the quality of life of the care recipient.

3 For many family caregivers, their role as family caregiver
4 arises as suddenly as the care recipient's health declines,
5 leaving the family caregivers with an immediate need for
6 services, but little preparation or education regarding who to
7 contact for assistance or what services are available to them.
8 In addition, the family caregivers may not know who is capable
9 or qualified to provide them with the services that they or the
10 care recipients need. Family caregivers themselves need support
11 services, including respite services and training, education,
12 and counseling in areas such as caregiving and dealing with end-
13 of-life issues.

14 Kupuna care is a statewide long-term care program,
15 administered by the executive office on aging, which was
16 developed in partnership with the county area agencies on aging
17 to address the growing numbers of elders with long-term care
18 needs. Services provided by kupuna care are intended to help
19 meet the needs of older adults who cannot live at home without
20 adequate help from family or formal caregiving services, and
21 include services such as adult day care, respite care, assisted



1 transportation, attendant care, case management, chore, home
2 delivered meals, homemaker, transportation, and personal care.

3 In addition to the services provided to the elderly, the
4 family caregiver support program, also administered by the
5 executive office on aging, offers services for the family
6 caregivers of their elderly clients. This program can be
7 expanded to provide additional services to family caregivers to
8 educate and assist them in coping with their roles as a
9 caregiver.

10 The purpose of this Act is to strengthen support of family
11 caregiving by:

- 12 (1) Extending the life of the joint legislative committee
13 on family caregiving;
- 14 (2) Authorizing the joint legislative committee to explore
15 establishing a paid family leave program under the
16 state temporary disability insurance law;
- 17 (3) Providing a broader definition of "family caregiver";
- 18 (4) Requiring the executive office on aging to conduct a
19 comprehensive assessment of care recipients' needs and
20 the needs of their family caregivers;



1 (5) Appropriating funds to expand the kupuna care
2 program's in-home and access services for qualified
3 care recipients; and

4 (6) Appropriating funds to expand services to family
5 caregivers who often need assistance, education, and
6 support to continue to care for their loved ones at
7 home.

8 **PART II**

9 **JOINT LEGISLATIVE COMMITTEE ON FAMILY CAREGIVING**

10 SECTION 2. Act 285, Session Laws of Hawaii 2006, is
11 amended by amending section 2 to read as follows:

12 "SECTION 2. (a) There is established a joint legislative
13 committee on family caregiving. The committee shall be composed
14 of eight members as follows:

15 (1) Four members of the house of representatives,
16 consisting of three members from the majority party
17 and one member from the minority party, who shall be
18 appointed by the speaker of the house of
19 representatives; and

20 (2) Four members of the senate, consisting of three
21 members from the majority party and one member from



1 the minority party, who shall be appointed by the
2 president of the senate.

3 The committee shall select a chairperson from its
4 membership.

5 (b) The joint legislative committee shall develop
6 comprehensive public policy to strengthen support for family
7 caregivers who provide unpaid, informal assistance to persons
8 ~~[age sixty and older]~~ with physical or cognitive disabilities.
9 For purposes of this Act, "family caregivers" include persons
10 with no blood relationship with the care recipient, and
11 grandparents who are caregivers for their grandchildren who are
12 age eighteen years or younger with physical or cognitive
13 disabilities.

14 (c) The joint legislative committee shall ~~[consider]~~:

15 (1) Consider providing support in categories including

16 ~~[but not limited to]:~~

17 ~~[+1]~~ (A) Coordinated services and policies;

18 ~~[+2]~~ (B) Training and education;

19 ~~[+3]~~ (C) Respite services;

20 ~~[+4]~~ (D) Financial incentives; and

21 ~~[+5]~~ (E) Balancing work and caregiving~~[+]~~; and



1 cognitive disabilities and the needs of their family caregivers.

2 The needs assessment should include an evaluation of:

- 3 (1) The extent of the unmet caregiving needs of persons
4 age sixty and older with physical or cognitive
5 disabilities;
- 6 (2) The size of the current family caregiver population;
- 7 (3) The percentage of care recipients' needs being met by
8 paid versus unpaid caregivers; and
- 9 (4) The impact of caregiving on family caregivers'
10 employment and income.

11 (b) In conducting the needs assessment, the executive
12 office on aging shall identify and review past surveys, such as
13 the *2003 Hawaii Health Survey*, include focus groups, and develop
14 policy questions to guide the focus of the needs assessment.

15 (c) In conducting the needs assessment, the executive
16 office on aging may utilize telephone surveys or other methods
17 of gathering reliable data regarding care recipients' needs and
18 the needs of their family caregivers, including purchasing
19 additional questions for the upcoming *Hawaii Health Survey*.

20 (d) The executive office on aging shall submit the
21 completed needs assessment to the joint legislative committee on
22 family caregiving no later than twenty days prior to the



1 convening of the regular session of 2008 to facilitate the
2 development of a comprehensive, sustainable, and community-based
3 family caregiver support system.

4 (e) For purposes of this section, "family caregiver" means
5 a person, including a non-relative such as a friend or neighbor,
6 who provides free and continuing day-to-day care in the home to
7 a care recipient.

8 SECTION 4. The executive office on aging shall submit a
9 report, including the completed needs assessment and any
10 proposed legislation, to the legislature no later than twenty
11 days prior to the convening of the regular session of 2008.

12 SECTION 5. There is appropriated out of the general
13 revenues of the State of Hawaii the following sums, or so much
14 thereof as may be necessary for fiscal year 2007-2008, for the
15 executive office on aging to conduct a comprehensive needs
16 assessment pursuant to section 3.

17 Senate §

18 House of representatives §

19 The sum appropriated shall be expended by the senate and
20 the house of representatives for the purposes of this Act.

21 **PART IV**

22 **SERVICES**



1 SECTION 6. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$, or so much
 3 thereof as may be necessary for fiscal year 2007-2008, and the
 4 same sum, or so much thereof as may be necessary for fiscal year
 5 2008-2009, to expand the kupuna care program's in-home and
 6 access services to qualified care recipients and provide
 7 expanded services to family caregivers.

8 The sums appropriated shall be expended by the department
 9 of health for the purposes of this Act.

10 SECTION 7. There is appropriated out of the general
 11 revenues of the State of Hawaii the sum of \$, or so much
 12 thereof as may be necessary for fiscal year 2007-2008, and the
 13 same sum, or so much thereof as may be necessary for fiscal year
 14 2008-2009, for the family caregiver support program.

15 The sums appropriated shall be expended by the department
 16 of health for the purposes of this Act.

PART V

MISCELLANEOUS PROVISIONS

17
 18
 19 SECTION 8. Statutory material to be repealed is bracketed
 20 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect upon its approval;
2 provided that sections 5, 6, and 7 shall take effect on July 1,
3 2007.



Report Title:

Family Caregivers; Omnibus Package

Description:

Strengthens support of family caregivers by, among other things: extending the joint legislative committee on family caregiving; requiring the executive office on aging to conduct a comprehensive assessment of care recipients' needs and the needs of their family caregivers; and appropriating funds to expand services for care recipients and their family caregivers. (SD2)

